IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WP(C).No. 24851 of 2006(H)

PETITIONER:

CHANDRALEKHA D.J.,
H.S.A. (ENGLISH),
GOVERNMENT H.S.S. PANDIKKAD,
MALAPPURAM DISTRICT.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:
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1. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
MALAPPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

4. STATE OF KERALA,
REP. BY DEPARTMENT OF GENERAL EDUCATION,
SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT. PLEADER (SHRI T.T. MUHAMMED)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.24851 OF 2006 H

PETITIONER'S EXHIBITS:

EXT.P1	**PHOTO COPY OF THE APPLICATION DATED 18.2.2005.**
EXT.P2	**TRUE COPY OF THE COMMUNICATION DATED 12.4.2005 ISSUED BY THE SECOND RESPONDENT.**
EXT.P3	**TRUE COPY OF THE APPLICATION DATED 27.2.2006.**
EXT.P4	**TRUE COPY OF GOVERNMENT ORDER DT. 27.5.1971.**
EXT.P5	**TRUE COPY OF G.O.(P) NO.12/04/P & ARD DT. 10.9.2004.**
EXT.P6	**TRUE COPY OF GOVT. ORDER (MS) NO.144/2005/GE DATED 7.5.2005.**
EXT.P7	**TRUE COPY OF THE JUDGMENT IN WPC 22605/05 DATED 16.8.2005.**

// TRUE COPY//

PS TO JUDGE

K. M. JOSEPH, J.

W.P.C NO. 24851 OF 2006 H

Dated this the 22nd November, 2006

JUDGMENT

The Writ Petition is filed seeking the following reliefs:

> "i) Issue a writ of mandamus directing the 2nd respondent to forward Ext.P3 application of petitioner to the third respondent forthwith;
>
> ii) Issue a writ of mandamus directing the third respondent to allow the application of petitioner for transfer to Thiruvananthapuram forthwith;
>
> iii) Issue a declaration that petitioner is eligible to get inter-district transfer from Malappuram to Thiruvananthapuram in the wake of Exts.P5 and P6 Government Orders and that the respondents are liable to honour the same."

2. I heard learned counsel appearing for the petitioner and also the learned Government Pleader. According to Government Pleader, the matter is governed by a Government Order and the Norms stipulated therein. In particular, it is pointed out that it has to be ascertained whether there are any seniors to petitioner who have made applications for inter-district transfer to Thiruvananthapuram. The matter is

governed by G.O.(MS) No. 94/03 dated 23.4.2003. Petitioner relies on Ext.P7 Judgment of this Court which, she contends, answers the objections of second respondent. In such circumstances, the Writ Petition is disposed of directing the second respondent to consider forwarding Ext.P3 application filed by petitioner to the third respondent, provided the petitioner satisfies the Norms. If the second respondent forwards Ext.P3 application to third respondent, the third respondent will take a final decision in the matter in accordance with law. Second respondent will take a decision as to whether Ext.P3 has to be forwarded, within a period of three weeks from the date of production of a copy of this Judgment. If the second respondent forwards Ext.P3 to third respondent, final orders will be passed by third respondent, within a further period of three weeks from the date of receipt of Ext.P3 application from second respondent.

Kbk. **K. M. JOSEPH, JUDGE**